MONTANA LEGISLATIVE HISTORY

Chapter 240 1971

Bill H 98 S _____ Original bill & history ____C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	Jan 15	✓ C	Hearing Date(s)	Feb 01	✓ C
	Jan 16	✓ C		Feb 03	✓ C
		____C			____C
		____C			____C
Date Out	Jan 16	✓ C		Feb 03	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

January 15, 1971

JUDICIARY COMMITTEE

The meeting was called to order in the Governor's Reception Room, room 205, at 9:30 a.m., Friday, January 15, with Chairman Jeffrey J. Scott presiding. All members were present.

The only bill to be taken up at this time was House Bill 98, which is an act to change age requirements to 18 and to bar discrimination in ages due to sex.

HOUSE BILL 98 Representative Keller, chief sponsor of this bill, appeared before the committee and gave a detailed explanation of this bill. (See Exhibit A.) He stated that he did not represent anybody else and that he himself drew this bill up. He also stated that if the committee felt that this bill should be expanded upon to include other areas, that he was in agreement with this. Questions were asked of Mr.Keller and he was excused.

Representative Robert J. Brown from District #30 gave a statement describing the history behind the majority age being age 21. He stated that the age of reason was arrived at as the age of 7, twice this a person was old enough to be a squire and three times this, or age 21, they could become a knight. Questions were asked of Mr. Brown and he was excused.

Representative Tom Selstad gave a statement in support of this bill, stating that two years ago he supported such a measure in the Senate.

Representative Dorothy Bradley from Gallatin County made a statement in favor of this bill.

Mr. Geoff Gibbs, Chairman of Montana Student Presidents' Association made a statement in support of this bill and introduced the presidents of the student's associations from the various colleges.

Mr. Richard L. Meeker, counselor from the Alcoholism Information Center, Helena, Montana, appeared in support of this bill. He stated that about 90 per cent of high school age people drink liquor in some form or other. Questions were asked of this witness and he was excused.

Mr. John Kelly Addy, President of Student's Association, Montana State University, gave a statement in favor of this bill. He gave each committee member a copy of an opinion survey result from Montana State University (See Exhibit B) in relation to drinking alcohol and age. He also gave results of opinion surveys from the College of Great Falls and Western Montana College (See Exhibit C). Questions were asked of Mr. Addy and the witness was excused.

Mr. Ken Stahl, president of the Student's Association, Northern Montana College, made a statement in support of this bill.

Mr. Howard H. Hammer, President, Men's Residence Association, MOntana State University, made a statement concerning drinking on campus. He stated that it is the general concensus of opinion that a student can go ahead and drink as long as he is not causing a ruckus and not bringing liquor into the dorms. He stated he was on the disciplinarian committee and if a student is causing any trouble in this regard the first time he is warned. As yet, they have never had a second occurrence.

Miss Linda Witt, student at Montana University, appeared before the committee and stated that she was from North Carolina, where there is a law allowing persons 18 years of age and over to drink and that she did not feel there was as much drinking there as there was here in the 18-to-21 year old age group; and also she did not feel that there were any particular problems caused by this law.

John Downs, counselor from Carroll College, appeared in support of this bill. He felt that our expectations of a child can often retard growth. He stated it was rather difficult to be an adult physiologically and retain the status of a child. He felt that we should upgrade the expectations of adulthood on the part of a child.

There being no further witnesses, the meeting was adjourned.

Jeffrey J. Scott, Chairman

Alice Omang, Secretary

Name John Kelly Addy Bill No. HB98

Whom do you represent? Assoc. Students Mont. St. Univ

Amend?..... Oppose?..... Support?....X

Please leave prepared statement with secretary.

- done illicitly now
- drinkers on the road
- causes fatalities
- 18 as opposed to 19
- most controversial & most salient part effects 51,781 life styles.

COLLEGE OF GREAT FALLS - OPINION SURVEY RESULTS

(100 responses)

1. (A) 49
(B) 9
(C) 36
(D) 6

2. (A) 40
(B) 34
(C) 14
(D) 11
(E) 1

3. (A) 50
(B) 31
(C) 0
(D) 15
(E) 4

4. (A) 35
(B) 42
(C) 8
(D) 12
(E) 3

5. (A) 0
(B) 13
(C) 5
(D) 45
(E) 37

6. (A) 2
(B) 5
(C) 8
(D) 58
(E) 27

7. (A) 47
(B) 40
(C) 2
(D) 8
(E) 3

8. (A) 2
(B) 5
(C) 4
(D) 44
(E) 45

9. (A) 45
(B) 35
(C) 5
(D) 10
(E) 5

10. (A) 2
(B) 2
(C) 19
(D) 38
(E) 48

WESTERN MONTANA COLLEGE - DILLON - SURVEY RESULTS

(112 responses)

1. (A) 64
(B) 7
(C) 37
(D) 4

2. (A) 60
(B) 38
(C) 1
(D) 9
(E) 2

3. (A) 28
(B) 40
(C) 11
(D) 26
(E) 7

4. (A) 23
(B) 46
(C) 9
(D) 22
(E) 11

5. (A) 9
(B) 20
(C) 9
(D) 49
(E) 24

6. (A) 6
(B) 7
(C) 6
(D) 68
(E) 23

7. (A) 50
(B) 43
(C) 5
(D) 7
(E) 4

8. (A) 6
(B) 13
(C) 5
(D) 51
(E) 35

9. (A) 44
(B) 49
(C) 7
(D) 6
(E) 4

10. (A) 2
(B) 5
(C) 3
(D) 60
(E) 40

UNIVERSITY OF MONTANA SURVEY RESULTS
(22 questioned)

1. (A) 10
(B) 0
(C) 11
(D) 1
(E) 0

2. (A) 16
(B) 6
(C) 0
(D) 0
(E) 0

3. (A) 12
(B) 9
(C) 0
(D) 1
(E) 0

4. (A) 8
(B) 11
(C) 0
(D) 3
(E) 0

5. (A) 0
(B) 2
(C) 0
(D) 15
(E) 5

6. (A) 1
(B) 2
(C) 3
(D) 10
(E) 6

7. (A) 14
(B) 8
(C) 0
(D) 0
(E) 0

8. (A) 0
(B) 2
(C) 1
(D) 15
(E) 4

9. (A) 9
(B) 11
(C) 0
(D) 2
(E) 0

10. (A) 0
(B) 2
(C) 2
(D) 9
(E) 9

Office of Associated Students
STUDENT UNION BUILDING
MONTANA STATE UNIVERSITY
BOZEMAN, MONTANA 59715

(2628 responses)

Please select the response which describes your situation:

(A)	I am under 21 and I drink alcoholic beverages	1880	2164
(B)	I am under 21 and I abstain from the use of alcohol	284	
(C)	I am over 21 and I drink alcoholic beverages	388	426
(D)	I am over 21 and I abstain from the use of alcohol	38	

2. The present laws on alcohol consumption which prohibit 18-year-olds from drinking in taverns cause them to drink in motor vehicles.

(A)	Strongly agree	1510
(B)	Agree	920
(C)	No Opinion	59
(D)	Disagree	84
(E)	Strongly disagree	26

3. Youths between the ages of 18 and 21 should be permitted to consume alcoholic beverages legally.

(A)	Strongly agree	1294
(B)	Agree	862
(C)	No Opinion	114
(D)	Disagree	263
(E)	Strongly disagree	92

4. Youths between the ages of 18 and 21 should be given the right of making contracts and marrying without parental consent.

(A)	Strongly agree	1044
(B)	Agree	855
(C)	No Opinion	223
(D)	Disagree	361
(E)	Strongly disagree	113

5. Youths between the ages of 18 and 21 are not ready for the full rights and responsibilities of citizenship.

(A)	Strongly agree	112
(B)	Agree	333
(C)	No Opinion	170
(D)	Disagree	1014
(E)	Strongly disagree	933

6. Twenty-one year olds are prepared for all rights and responsibilities of citizenship whereas 18-year-olds are not.

(A)	Strongly agree	69
(B)	Agree	218
(C)	No Opinion	162
(D)	Disagree	1147
(E)	Strongly disagree	1011

7. The youth between the ages of 19 and 21 should be permitted to consume alcoholic beverages legally.

(A)	Strongly agree	1600
(B)	Agree	768
(C)	No Opinion	74
(D)	Disagree	116
(E)	Strongly disagree	55

8. Youths between the ages of 19 and 21 are not yet ready to exercise all rights and responsibilities of citizenship.

(A)	Strongly agree	78
(B)	Agree	253
(C)	No Opinion	114
(D)	Disagree	936
(E)	Strongly disagree	1030

9. Youths between the ages of 19 and 21 should be given the right to make contracts and marry without parental consent.

(A)	Strongly agree	1276
(B)	Agree	904
(C)	No Opinion	164
(D)	Disagree	199
(E)	Strongly disagree	69

10. Twenty-one year olds are prepared for all rights and responsibilities of citizenship whereas 19-year-olds are not.

(A)	Strongly agree	66
(B)	Agree	104
(C)	No Opinion	125
(D)	Disagree	1090
(E)	Strongly disagree	1263

SENATE JUDICIARY COMMITTEE MEETING--February 1, 1971

The meeting was called to order by the Chairman, Senator Gilfeather. All the members were present except Senator Stephens.

This was a Public Hearing held in the Law Library.

Chairman Gilfeather stated that they would take the testimony on House Bill 98 because it is more comprehensive than Senate Bill 41. Chairman Gilfeather introduced Representative M. F. Keller of District 18 of the House. Mr. Keller said this bill passed the House by 75 to 22. He said it is concerned with liquor, holding office and being subjected to the poll tax. He said that no state which has lowered the age to 18 has since found it a poor law. He said further that if a portion of this bill proves to be inacceptable to the public, he will be the first one, if he is here, to correct the obnoxious parts of this bill.

Representative Keller called as his first proponent Representative Brown of District 3, who also spoke in favor of this bill. Next Representative Dorothy Bradley was introduced as a proponent of the bill also. Next Geoff Gibbs, registered lobbyist and Chairman of the twelve Montana State Colleges of the State, spoke in behalf of the bill. He said, in part, "we are asking for the responsibilities that go along with the right of voting." Mr. Kelly Addy, President of the Student Body at Bozeman, spoke favoring the bill. He presented results of surveys taken at the college. He stated that this bill would do much to remove the drinkers from the highway because if passed, the bill would provide the drinkers with a place in which to do their drinking and not on the highway, which is so dangerous to traffic. Jack Green, also of the University of Montana. He said, in part, that in even high schools 90 percent of the students have come in contact with alcohol. He said that if the drinking age were lowered to 18, the drinking habits would be under more control. Bryce Boedecker of the Helena Senior High School, spoke in favor of the bill. He suggested eliminating the word "Indian" in House Bill 98, page 2, saying he thinks it is not the appropriate word. Senator Gilfeather said they will have to check Federal laws on this.

There were opponents to this bill. They were Mr. ans Mrs. John Munson of Ravalli County, who testified in opposition to this bill. Mr. Munson is Director of Guidance at Corvallis High School. Mr. Bob Olson, Principal

of Corvallis High School, testified against this bill. Mrs. Munson spoke again, stating that this bill could irrevocably disrupt the home. She read from the paper which her husband had prepared and had her bring to the meeting, saying, in part, "it has been said you cannot legislate morality; my reply is you cannot legislate maturity". A Representative from Chouteau County brought up up a question as to liability to one's children, regarding insurance. He said he thinks 19 would be a better age for maturity than 18.

The Chairman called for questions--there were some from the committee members to the witnesses present. At the conclusion of this question and answer session the Chairman thanked everyone for coming to testify and they all left.

SENATOR F. J. GILFEATHER, CHAIRMAN

Because there was an all-afternoon Session in the Senate it was impossible to have an afternoon meeting of the Judiciary Committee.

SENATE JUDICIARY COMMITTEE MEETING--February 3, 1971

This meeting was held on ADJOURNMENT this day

The meeting was called to order by the Chairman, Senator Gilfeather.

IT WAS MOVED BY SENATOR MOORE THAT SENATE BILL 198 be AMENDED as was discussed by the committee. SENATOR TURNAGE SECONDED THE MOTION THAT THE AMENDMENTS BE ADOPTED. MOTION CARRIED. SENATOR MOORE MOVED THAT SENATE BILL 198, AS AMENDED, DO PASS. THIS WAS SECONDED BY SENATOR TURNAGE.

Senate Bill 95 was considered by the committee. MOTION BY SENATOR MOORE THAT IT DO NOT PASS, SECONDED BY SENATOR TURNAGE. SENATOR HAFFERMAN MOVED A SUBSTITUTE MOTION THAT IT DO PASS, SECONDED BY SENATOR STEPHENS. A roll call volte was taken and the result was that the SENATE BILL 95 was given a DO PASS.

Senate Bill 264 was brought before the committee. There was a MOTION BY SENATOR STEPHENS, SECONDED BY SENATOR TURNAGE that 264 DO NOT PASS.

Senate Bill 265 was presented to the committee again and it was given a DO NOT PASS, WITH MOTION BY SENATOR REHBERG, SECONDED BY SENATOR TURNAGE.

Senate Bill 266 was considered. MOTION BY SENATOR TURNAGE, SECONDED BY SENATOR STEPHENS THAT SENATE BILL 26 DO NOT PASS.

House Bill 98 was considered and Senator Turnage said he believes the age should be 19, rather than 18. Discussion by Senators Rehberg, Hafferman and Turnage. Senator Hafferman moved that House Bill 98 DO PASS. MOTION RESCINDED for purpose of amendment. Discussion here by Senators Stephens, Hafferman and Rehberg. Senator Turnage moved that amendments be made to this bill. It was Passed to raise it to age 19, moved by Senator Hafferman to reconsider, Senator Turnage seconded this move. Senator Turnage rescinded motion to amend drinking level to age 19. MOTION BY SENATOR HAFFERMAN, SECONDED BY SENATOR MOORE THAT HOUSE BILL 98 BE CONCURRED IN. THE MOTION WAS CARRIED.

Senate Bill 61 was brought to the attention of the committee. Senator Turnage moved to amend this bill in Section 1, page 1 of the introduced bill on line 24 following the word and punctuation "defendant," by inserting the words "after entry of plea"; Further amend Section 1, subsection (2), page 1, line 27, following the word "months" by inserting a period (.) and striking the remainder of line 27 and all of line 28. AND AS SO AMENDED, SENATE BILL 61 DO PASS.

of Corvallis High School, testified against this bill. Mrs. Munson spoke again, stating that this bill could irrevocably disrupt the home. She read from the paper which her husband had prepared and had her bring to the meeting, saying, in part, "it has been said you cannot legislate morality; my reply is you cannot legislate maturity". A Representative from Chouteau County brought up up a question as to liability to one's children, regarding insurance. He said he thinks 19 would be a better age for maturity than 18.

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remainder be left at age 18. Considerable discussion followed. A vote was taken and the motion failed. A vote was taken on the original motion that House Bill 98 DO PASS as printed. The motion carried.

There being no further business, the meeting was adjourned.

Jeffrey J. Scott, Chairman

Alice Omang, Secretary

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SENATOR F. J. GILFEATHER, CHAIRMAN

Because there was an all-afternoon Session in the Senate it was impossible to have an afternoon meeting of the Judiciary Committee.

January 16, 1971

JUDICIARY COMMITTEE

The meeting was called to order at 8:30 a.m. on Saturday, January 16, 1971 in room 300 of the Capitol Building by Chairman Jeffrey J. Scott. All members were present.

HOUSE BILL 103 — Representative Walter J. Ulmer, sponsor, introduced Jerome T. Loendorf, Tom P. Poston and Dr. John McMahan, who appeared in support of this bill. Mr. Loendorf gave a detailed description of the bill and some examples. Questions were asked and the witnesses were excused.

Executive Session: — A motion was made DO PASS. The motion carried.

HOUSE BILL 100 — Representative Conrad F. Lundgren gave a description of this bill, which applies to exceptions for carrying concealed weapons and this bill would add national park service rangers and technicians. Questions were asked and the witness was excused.

Executive Session: — Mr. Zimmer made a motion do pass. Discussion followed. Mr. Hall made a substitute motion that House Bill 100 do not pass. Motion failed. Mr. Mather made a substitute motion that House Bill 100 be amended on page 2, section 1, after the words, "service rangers" by striking the words "and technicians.", and as so amended DO PASS. A vote was taken and motion carried.

HOUSE BILL 98 — Mr. Towe stated that he had obtained the section of the codes that Mr. Keller had omitted in his bill, and he felt there were some sections that should be included in this bill. Mr. Parrish made a motion that House Bill 98 DO PASS in its present form. Mr. Towe made a substitute motion that he be allowed to make certain amendments to this bill. Substitute motion of Mr. Towe's failed. Mr. Mather made a substitute motion that House Bill 98 be amended by deleting section 20, which deals with who is competent to act as a juror. Discussion followed and motion failed. Mr. Mather made a substitute motion that wherever the bill refers to age 18 it be amended to age 19 throughout. Discussion followed. Mr. Mather withdrew his motion.

Mr. Mather made a substitute motion that the bill be amended by changing to age 19 any reference to b eer or liquor and the

"AN ANALYSIS OF HOUSE BILL NO. 98 INTRODUCED BY KELLER, BROWN, SELSTAD, GREELY, AINSWORTH, ABER, LUNDGREN, BURNETT, DYE, LOCKWOOD, BENNETT, AND BRADLEY.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

House Bill 98 encompasses 23 sections. However, the bill is not as complicated as it might appear at first glance.

The bill makes substantial changes in the law regarding the age at which persons become adults. The first portion of the bill concerns itself with the legal age at which a person may purchase and consume alcoholic beverages. Due to the complexity of the liquor laws, this subject is considered in an inordinate number of sections to achieve the result desired.

Other sections are concerned with the age of holding office and being subject to the poll tax. It redefines the word adult as well and it redefines the word minor. It raises the age at which a girl may marry without parental consent from 16 years to 18 years, and it lowers the age at which a man may marry from 21 years to 18 years. Strangely enough, under present laws, contracts may be made by a girl 18 years or under. Violation of contracts may be made by a man 21 or under. In the interest of Mens' Liberation, this bill removes age discrimination due to sex.

Lowering the drinking age from 21 to 18 recognizes the fact that those 18 and over who wish to consume alcoholic beverages will do so regardless of parental objections. Regardless of present laws, they are able to obtain such beverages. Pine Hills would be quite unable to house all those minors who have been guilty or are presently guilty of violation of the Montana liquor laws. I personally think that most high schools would lose more than half of their student bodies if each violator were incarcerated in penal institutions. States in which the legal drinking age has been reduced have found no increase in the abuse of liquor. On the contrary,

they have been pleased with the few numbers of violators being processed. I say that we should recognize today that 18 year olds now possess a greater body of knowledge than did those who were 21 at the time Montana's liquor laws were enacted. Let the legislature be aware that this change does not require that 18 year olds drink, it's optional. If experience with these changes prove unsatisfactory the legislative meeting in 1973 can easily repeal this law.

Most people in Montana have thought that a girl could marry at age 18 without parental consent. This is not true as under present statutes a girl is able to marry at 16 without parental consent. House Bill 98 raises this age to 18. It lowers the age at which a man can marry from 21 to 18 and thereby makes the marrying age without regard to sex equal. Its my belief that those who wish to marry at 18 will find a way to marry regardless of their parents desire. We are recognizing that the parents should have control over their daughters and sons until they are both 18.

House Bill 98 lowers the age at which a person may lease or purchase state lands from 21 to 18 and also lowers the age at which a person may serve as a juror from 21 to 18.

And finally the most completely, we have redefined the term adult to mean persons of 18 years of age or older, and we have redefined the term minor to include all persons who have not obtained the age of 18.

This will create neither an increase nor a decrease under present juvenile laws. Those 18 are now treated as adults.

In a very short and encompaning statement - House Bill 98 emancipates all persons over 18 and eliminates age discrimination due to sex. House Bill 98 does not encompass many other sections of Montana codes which refer to minors. Our intention was to keep House Bill 98 as concise as possible. It includes the major necessary changes. The author is not opposed to additions should the committee deem it advisable. However, my principal concern is that nothing be done to

jeopardize or complicate an enactment of House Bill 98 into law. A section-by-section explanation follows:

Section 1. Reduces the age of being able to purchase liquor from age 21 to age 18.

Section 2. Reduces the age of being able to purchase beer from age 21 to age 18.

Section 3. Allows a person 18 or over to purchase beer on a railroad train.

Section 4. Allows a person 18 or over to purchase wine, liquor or beer and describes other persons to whom liquor, beer, and wine may not be sold.

Section 5. Provides that penalties in the liquor laws apply to those persons 18 or over.

Section 6, 7, 8. Changes age on the "Alcoholic Beverages Identification Card" from 21 to 18.

Section 9. Reduces age of subjection to Poll Tax from 21 to 18.

Section 10. Reduces age of legal possession of beer and liquor from 21 to 18.

Section 11, 12. Pertains to changing the age at which a person may be employed as a bartender or waitress in an establishment which sells liquor or beer from 21 years to 18 years.

Section 13. Raises the age at which a girl may marry without parental consent from 16 years to 18 years of age and lowers the age at which a man can marry without parental consent from 21 years to 18 years.

Section 14. Allows a person to hold office at age 18 instead of age 21.

Section 15. Allows a person to adopt a child at age 18 instead of age 21.

Section 16. Defines adults as all persons 18 years of age or older, instead of 21 years or over for males, and 18 or over for females.

Section 17. Defines an "emancipated minor" as one under age 18 instead of one under 21, and defines a minor as a person not yet 18, instead of one not yet 21.

Section 18. Allows persons to lease state land at age 18 instead of age 21.

Section 19. Allows persons to purchase state land at age 18 instead of age 21.

Section 20. Allows persons who are 18 years of age or over to serve as jurors, instead of those 21 or over.

Section 21. Allows persons 18 or over, instead of 21 or over, to apply to a district court for a change of name.

Section 22. Provides penalties for those selling intoxicating liquors to those under 18 years of age, instead of those under 21 years of age.

Section 23. Sets penalty for possession of beer or liquor by a person under 18 years of age, instead of under 21 years of age.

Duty of council to consult others.

Section 17. In exercising its powers, functions, and duties under this act, the council shall

(a) consult with such representatives of science, industry, agriculture, labor, conservation organizations, educational institutions, local governments and other groups, as it deems advisable; and

Utilize other sources.

(b) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the commission's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

Effective immediately.

Section 18. This act is effective on its passage and approval.

Approved March 9, 1971.

CHAPTER NO. 239

An Act Providing for Special or Rural Improvement District Type Bonding for Flood Control and Water Conservation Projects; Amending Section 89-3312, R.C.M. 1947

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 89-3312, R.C.M. 1947, is amended to read as follows:

Cities, towns and counties authorized to issue special improvement district or rural improvement district bonds.

"89-3312. **Indebtedness and bonds — bond election — *special assessment* to pay indebtedness.** Cities, towns and counties are hereby authorized to contract indebtedness and to issue *special improvement district or rural improvement district* bonds to provide funds for the payment of the cost of improvements contemplated by this act by following the following procedures:

Special election.

The governing body of the city, town or county may call a special election to vote upon the proposition of issuing said bonds or may submit the proposition as a special question at a regular municipal or general election.

Notice and conduct.

The notice of the election and the election itself shall be

carried out in accordance with sections *11-2201* through *11-2288*, R.C.M. 1947, as amended, as to cities, and in accordance with sections *16-1601* through *16-1638*, R.C.M. 1947, as amended, as to the counties.

Levy of assessments.

Tax *assessments* for the payment of said bonds shall be levied in accordance with sections *11-2201* through *11-2288* and sections *16-1601* through *16-1638*, R.C.M. 1947, as amended, as to cities and counties, respectively."

Approved March 9, 1971

CHAPTER NO. 240

An Act to Change Age Requirements to Nineteen (19) Years of Age and To Bar Discrimination in Ages Due to Sex; Amending Sections 4-161, 4-330, 4-337, 4-413, 4-439, 4-502, 4-504, 4-506, 11-951, 11-1602, 41-1135, 41-1136, 48-143, 59-301, 61-203, 64-101, 75-8702, 81-407, 81-908, 93-1301, 93-100-2, 94-35-106, 94-35-106.2, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 4-161, R.C.M. 1947, is amended to read as follows:

Supplying liquor to person under 19 years of age prohibited.

"4-161. **Age limit for sale of liquor.** Except in the case of liquor given to a person under the age of *nineteen (19)* years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, or sold to him by a vendor or druggist upon the prescription of a physician, no person shall sell, give, or otherwise supply liquor to any person under the age of *nineteen (19)* years, or permit any person under that age to consume liquor."

Amending clause.

Section 2. Section 4-330, R.C.M. 1947, is amended to read as follows:

Retailer may purchase beer only from licensed brewer or wholesaler.

"4-330. **Purchase of beer by retailer — persons to whom beer may not be sold, delivered or given by brewers, wholesalers or retailers.** It shall be unlawful for such retailer to purchase or acquire beer from anyone except a brewer or wholesaler licensed under the provisions of this act.

Supplying beer prohibited.

It shall be unlawful for any brewer, wholesaler or retailer, his or her employee or employees to sell, deliver or give away, or cause or permit to be sold, delivered or given away, any beer to:

Person under 19.

1. Any person under the age of *nineteen (19)* years;

Intoxicated person.

2. Any intoxicated person or any person actually, apparently or obviously intoxicated;

Habitual drunkard.

3. An habitual drunkard; or

Interdicted person.

4. An interdicted person.

Violation penalties.

Any brewer, wholesaler or retailer violating any of the provisions of this section, shall upon conviction thereof be subject to the penalties provided for in section 4-305 of the Montana Beer Act, and in addition thereto the license of any such brewer, wholesaler or retailer shall, in the discretion of the board, be immediately revoked, or said license may be suspended for a period of not more than three (3) months. Any minor or other person who knowingly misrepresents his or her qualification for the purpose of obtaining beer from any licensee shall be equally guilty with said licensee and shall, upon conviction thereof, be subject to the penalty provided in section 4-305 of the Montana Beer Act."

Misrepresentation.

Penalty.

Amending clause.

Section 3. Section 4-337, R.C.M. 1947, is ameneded to read as follows:

"4-337. **Railroad car or carrier's license — application for and issuance of license — inspection — sale to persons under** *nineteen (19)* **years of age or disorderly person.** Any person maintaining or operating any railroad car or train as a common carrier for the transportation of passengers, or any other person operating a buffet or dining car for any common carrier, desiring to sell beer under the provisions of this act, shall first apply to the board for a permit so to do, accompanying the application with the license fee herein prescribed. Upon being satisfied from said application or otherwise that the applicant is qualified under the provisions of this act, the board shall issue a license for the sale of beer by such person, which shall at all times be prominently displayed in the car, operated by the applicant, wherein beer or malt liquors are served. The board shall have the right at any time to make an inspection of the train or cars

Application for permit to sell beer on railroad trains.

License fee.

License display.

Right to inspect.

operated by any railway company in this state, to ascertain whether this act is being strictly complied with, and if not, the board is authorized and empowered to cancel such license, after which the sale of any beer or malt liquors by any such common carrier, or other person operating buffet or dining car for such common carrier, shall be unlawful and subject to the penalties herein prescribed. And it shall be unlawful for any such common carrier, or other person operating buffet or dining car for such common carrier, to sell beer or malt liquors to any person under the age of *nineteen (19)* years or who may appear to be in an intoxicated or disorderly condition."

Right to cancel license.

Violation penalties.

Unlawful to sell beer to person under age of 19 years.

Amending clause.

Section 4. Section 4-413, R.C.M. 1947 is amended to read as follows:

"4-413. **Persons to whom liquor may not be sold or given.** No licensee or his or her employee or employees, nor any other person, shall sell, deliver, or give away or cause or permit to be sold, delivered or given away any liquor, beer or wine to:

Supplying liquor prohibited.

1. Any person under the age of *nineteen (19)* years.

Person under 19.

2. Any intoxicated person or any person actually, apparently or obviously intoxicated.

Intoxicated person.

3. An habitual drunkard.

Habitual drunkard.

4. An interdicted person.

Interdicted person.

5. Any minor, or other person who knowingly misrepresents his or her qualifications for the purpose of obtaining liquor, beer or wine from such licensee shall be equally guilty with said licensee and shall, upon conviction thereof, be subject to the penalty provided in section 4-439 provided, however, that nothing herein contained shall be construed as authorizing or permitting the sale of liquor, beer or wine to any person in violation of any federal law."

Misrepresentation.

Penalty.

Amending clause.

Section 5. Section 4-439, R.C.M. 1947, is amended to read as follows:

"4-439. **Penalty for violating act — revocation of license.** Any person violating any of the provisions of this act, shall upon conviction thereof, be deemed guilty of a misdemeanor and punishable by such fine or im-

Violation penalties.

prisonment, or both, as provided by law, except as is herein otherwise provided. If any such licensee is convicted of any offense under this act his license shall be immediately revoked, or in the discretion of the board suspended temporarily for a time to be determined by the board. Further, if any person under the age of *nineteen (19)* is convicted of an offense under this act he shall be subject to a one hundred dollar ($100) fine or thirty (30) days in confinement. It shall be further mandatory under the provisions of this act that all such licensees display in a prominent place in his premises a placard as issued by the board stating fully the consequences for violations by persons under the age of *nineteen (19)* years of the provisions of this act.

Revocation or suspension of license.

Violation by person under 19.

Penalties.

Any person who invites a person under the age of *nineteen (19)* years into a public place where liquor is sold and treats, gives or purchases liquor for such person, or permits such person in a public place where liquor is sold to treat, give or purchase liquor for him, or holds out such person to be over the age of *nineteen (19)* years to the owner of the liquor establishment, or his or her employee or employees, shall be guilty of a misdemeanor."

Giving liquor in public place to person under 19.

Misdemeanor.

Section 6. Section 4-502, R.C.M. 1947, is amended to read as follows:

Amending clause.

"4-502. **Identification card — form.** Any person who desires to procure any beer and/or liquor from any vendor or licensee may, for the purpose of aiding such vendor or licensee to determine whether or not such person is at least *nineteen (19)* years of age, be required to complete and sign an identification card, which shall be in substantially the following form:

Identification card.

Form.

ALCOHOLIC BEVERAGES IDENTIFICATION CARD

This card if properly completed and signed may be accepted by the vendor or licensee named below for the purpose of establishing the legal age of the person designated who desires to purchase alcoholic beverages.

Complete Two or More of the Following:

Social Security Card No. ....., Issued at ..... Date ....
Birth Certificate issued at .....; Date of birth .....
Draft Card issued at .....; Date of birth .....
Discharge Papers: Service .....; Issued at .....;

Date of birth .....
Military Identification Card or Pass: Service .....;
Issued at ..... Date ..... Age Shown .....
Driver's License: Date .....; Issued at .....;
Age Shown .....

I hereby represent to ..... that I am over the age of *nineteen (19)* years, having been born on the ..... day of ....., 19....., at ....., and this statement is made for the purpose of establishing my age in order to obtain service of alcoholic beverages with the full knowledge that I am subject to fine and/or imprisonment, for any misrepresentation made herein. I have submitted the documents and papers checked on this card, and the person to whom submitted has compared the signatures thereon and has also compared the descriptions on said documents with my physical characteristics.

(Witness) ..... (Signature) .....
(Address) ..... (Address) .....

The Montana liquor control board shall cause to be printed and distributed upon request to vendors and licensees blank forms of the identification card herein prescribed."

Board shall distribute blank forms.

Section 7. Section 4-504, R.C.M. 1947, is amended to read as follows:

Amending clause.

"4-504. **License of licensee not to be revoked or suspended for selling to minor when identification card properly completed, signed and filed.** The license of any licensee in possession of an identification card properly completed, signed and filed as provided in this act shall not be suspended or revoked for selling beer and/or liquor to a person under the age of *nineteen (19)* years who has presented such identification card at the time of purchase and delivered the same for filing as herein provided."

No suspension or revocation of license—licensee in possession of identification card.

Section 8. Section 4-506, R.C.M. 1947, is amended to read as follows:

Amending clause.

"4-506. **All persons attaining the age of *nineteen (19)* years may apply to the county clerk and recorder for an identification card.** All persons attaining the age of *nineteen (19)* years may apply to the county clerk and recorder of the county in which the applicant resides for an identification card which shall prima facie establish

Application for card.

that the applicant has reached the age of *nineteen (19)* years."

Amending clause.

Section 9. Section 11-951, R.C.M. 1947, is amended to read as follows:

Council authorized to levy poll tax on males between 19 and 45 years of age.

"11-951. **Poll tax — limitation on amount — work for failure to pay.** The city or town council has power: To levy and collect annually from each able-bodied resident of the city or town, between the ages of *nineteen (19)* and forty-five *(45)* years, a poll tax not exceeding three dollars *($3)* per capita; and in case of failure or refusal of any person within the prescribed age to pay said tax, to provide by ordinance that the person failing or refusing must work one day on the public streets of the city."

Work on public streets.

Amending clause.

Section 10. Section 11-1602, R.C.M. 1947, is amended to read as follows:

Concurrent jurisdiction of police courts.

"11-1602. **Jurisdiction of police courts.** The police court has concurrent jurisdiction with the justice of the peace of the following public offenses committed within the county:

Petit larceny.

1. Petit larceny.

Assault and battery.

2. Assault and battery, not charged to have been committed upon a public officer in the discharge of his official duty, or with intent to kill.

Breaches of the peace—misdemeanors.

3. Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars ($500), or by imprisonment not exceeding six (6) months, or by both fine and imprisonment.

Vagrancy.

4. Proceedings respecting vagrants, lewd, or disorderly persons. Such offenses must be prosecuted in the name of the state of Montana.

Possession of liquor—person under 19.

5. Possession of beer or liquor by persons under the age of *nineteen (19)* years in violation of section 94-35-106.2, R.C.M. 1947.

Sale of liquor to minors.

6. Selling, giving away or disposing of intoxicating liquor to minors in violation of section 94-35-106, R.C.M. 1947.

Limitation.

Said police court shall have no jurisdiction of any civil cause, except as provided in the next section."

Amending clause.

Section 11. Section 41-1135, R.C.M. 1947, is amended to read as follows:

Employment of person under 19 to serve liquor prohibited.

"41-1135. **Employment of persons under *nineteen (19)* as bartenders forbidden.** No person under the age of *nineteen (19)* years of age shall be employed as a bartender, waiter, or waitress whose duty is to serve customers purchasing liquors, beer or wines in any establishment which sells liquors, beer or wines at retail."

Amending clause.

Section 12. Section 41-1136, R.C.M. 1947, is amended to read as follows:

Misdemeanor.

"41-1136. **Penalty.** Any retail vendor of liquors, beer or wines who employs any such person under the age of *nineteen (19)* years is guilty of a misdemeanor."

Amending clause.

Section 13. Section 48-143, R.C.M. 1947, is amended to read as follows:

Persons 19 years of age or having permission of district judge may contract marriage.

"48-143. **Persons capable of marriage — when consent of parent or guardian required — special authority for underage marriages.** (1) Every male person who has attained the full age of *nineteen (19)* years or who has obtained the permission of the district judge as provided in subparagraph (3) and every female person who has attained the full age of *nineteen (19)* years or who has obtained the permission of the district judge as provided in subparagraph (3) shall be capable in law of contracting marriage if otherwise competent.

License shall not issue to person under 19 without parental consent.

(2) If either of the contracting parties is under the age of *nineteen (19)*, no license shall be issued without the consent of his or her parents or guardian, or of the parent having the actual care, custody and control of said party, given before the clerk of the court under oath, or certified under the hands of such parents or guardian as aforesaid attested by two adult witnesses, and properly verified by affidavit (or affirmation) before a notary public or other official authorized by law to take affidavits, which certificate shall be filed of record in the office of the said clerk of court at the time of application for said license. If there is no guardian or parent having the actual care, custody and control of said party, then the judge of the district court in the county where the application is pending may, after hearing upon proper cause shown, make an order allowing the marriage of said party.

Verification.

District judge may allow marriage.

Persons under 19 having parental consent and approval of district judge may contract marriage.

(3) A male under the age of *nineteen (19)* or a female under the age of *nineteen (19)* may lawfully contract to marry and obtain a marriage license if there is first procured the consent of the parent or guardian as provided in subparagraph (2) and if the district judge of the county wherein the application is made, after examining the parties under oath, shall decide that it is to the best interest of such applicant and of the established public policy of the state of Montana, and shall authorize the clerk of the court to issue the license in conformance with the other provisions of this act."

License.

Amending clause.

Section 14. Section 59-301, R.C.M. 1947, is amended to read as follows:

Person holding civil office must be 19 and citizen of state.

"59-301. **Age and citizenship.** No person is capable of holding a civil office in this state, who at the time of his election or appointment is not of the age of *nineteen (19)* years and a citizen of this state."

Amending clause.

Section 15. Section 61-203, R.C.M. 1947, is amended to read as follows:

Persons eligible to adopt a child.

"61-203. **Who may adopt.** The following persons are eligible to adopt a child:

(1) A husband and wife jointly, or either the husband or wife if the other spouse is a parent of the child.

(2) An unmarried person who is at least *nineteen (19)* years old.

(3) A married person at least *nineteen (19)* years old who is legally separated from the other spouse.

(4) In the case of an illegitimate child, its unmarried father or mother."

Amending clause.

Section 16. Section 64-101, R.C.M. 1947, is amended to read as follows:

Minors defined.

"64-101. **Minors and adults defined.** Minors are:

1. Males under *nineteen (19)* years of age;

2. Females under *nineteen (19)* years of age.

All other persons are adults."

Amending clause.

Section 17. Section 75-8702, R.C.M. 1947, is amended to read as follows:

Definitions.

"75-8702. **Definitions.** Terms used in this chapter are defined as follows:

"Domicile."

(1) "domicile" means person's true, fixed, and permanent home and place of habitation;

"Emancipated minor."

(2) "emancipated minor" means person under the age of *nineteen (19)* years who supports himself from his own earnings or is married.

(a) A person who received more than twenty-five percent (25%) of the cost of supporting himself from any person other than an agency of the government shall not be considered an "emancipated minor".

"Minor."

(3) "minor" means male or female person who has not obtained the age of *nineteen (19)* years.

"Qualified person."

(4) "qualified person" means person legally qualified to determine his own domicile.

"Resident student."

(5) "resident student" means:

(a) A student who has been domiciled in Montana for one (1) year immediately preceding registration at any unit for any term or session for which resident classification is claimed. Attendance as a full or part-time student at any college, university, or other institution of higher education shall not alone be sufficient to qualify for residence in Montana.

(b) Any graduate of a Montana high school whose parents, parent, or guardian have resided in Montana at least one (1) full year of the two (2) years immediately preceding his graduation from high school. Such classification shall continue for not more than four (4) academic years if the student remains in continuous attendance at a unit."

Amending clause.

Section 18. Section 81-407, R.C.M. 1947, is amended to read as follows:

Qualifications to lease state lands.

"81-407. **Who may lease — how much and for what length of time.** No persons shall be qualified to lease state lands except one who is the head of a family unless he or she has attained the age of *nineteen (19)* years. Any such person and any association, company or corporation authorized to hold lands under lease may lease state lands, and there may be included under one lease, tracts of lands embracing more than one (1) section.

Limitations on term.

Expiration.

Notice.

Rental increase.

Any such person, association, company or corporation may hold more than one (1) lease to such lands. No lease to agricultural or grazing lands shall be for a period other than five (5) or ten (10) years. Leases for city and town lots shall not exceed five (5) years. When a lease expires or is canceled the commissioner shall immediately so notify the holder of the lease and all persons who have expressed an interest in leasing the land during, or immediately preceding the term of such expired or canceled lease. If the legislature raises the rentals for state grazing lands during the term of any leases of grazing land hereafter issued which are not issued as a result of competitive bidding the lessee shall, for the years after such increase becomes effective, pay such increase rental and the terms of grazing leases hereafter issued shall so provide."

Amending clause.

Section 19. Section 81-908, R.C.M. 1947, is amended to read as follows:

Qualifications to purchase state lands.

"81-908. **Who may purchase and how much.** State lands shall be sold only to citizens of the United States or to persons who have declared their intentions to become citizens, or to corporations organized under the laws of this state. No person shall be qualified to purchase state land who has not reached the age of *nineteen (19)* years. As far as possible to determine the lands shall be sold only to actual settlers or to persons who will improve the same, and not to persons who are likely to hold such lands for speculative purposes intending to resell the same at a higher price without having added anything to their value. No person or corporation shall be entitled to purchase more than one section of state land, and this area shall not include more than one hundred and sixty (160) acres of land susceptible of irrigation. These limitations as to area and irrigableness shall not apply to lands within a federal irrigation project wherein the Congress of the United States of America now or hereafter authorizes water to be furnished to an area exceeding one hundred and sixty (160) irrigable acres.

Limitations on amount of land.

Sale to other agencies of government.

State lands may be sold to any sovereign state of the United States or to any board of trustees or public corporation or agency of such state created by such state as an agency or political subdivision thereof. Said lands may be purchased in the quantities set forth in this section for use by such state, board of trustees, public corporation, agency, or political subdivision for educational or scientific purposes.

Validation of title.

The title to any state lands which have been heretofore purchased by a sovereign state or a board of trustees or public corporation, agency or political subdivision thereof qualified under the provisions of this act is hereby ratified and confirmed."

Amending clause.

Section 20. Section 93-1301, R.C.M. 1947, is amended to read as follows:

Qualifications to act as juror.

"93-1301. **Who competent to act as juror.** A person is competent to act as a juror if:

1. A citizen of the United States of the age of *nineteen (19)* years, who shall have been a resident of the state one (1) year, and of the county ninety (90) days before being selected and returned.

2. In posseession of natural faculties, and of ordinary intelligence and not decrepit.

3. Possessed of sufficient knowledge of the English language.

4. Assessed on the last assessment roll of the county on property belonging to him or her."

Amending clause.

Section 21. Section 93-100-2, R.C.M. is amended to read as follows:

Change of name—petition to district court.

Persons under 19.

Required allegations.

Change of corporate name.

"93-100-2. **Application for change of name — how made.** All applications for change of names must be made to the district court of the county where the person whose name is proposed to be changed resides, by petition, signed by such person; and if such person is under *nineteen (19)* years of age, by one of the parents, if living, or if both be dead, then by the guardian; and if there be no guardian, then by some near relative or friend. The petition must specify the place of birth and residence of such person, his or her present name, the name proposed, and the reason for such change of name; and must, if the father of such person be not living, name, as far as known to the petitioner, the near relatives of such person, and their place of residence. Any religious, benevolent, literary, scientific corporation, or any corporation bearing or having for its name, or using or being known by the name of, any benevolent or charitable order

or society, may, by petition, apply to the district court of the county in which its articles of incorporation were originally filed, or in which the property of such corporation is situated, for a change of its corporate name. Such petition must be signed by a majority of the directors or trustees of the corporation, and must specify the date of the formation of the corporation, the name proposed, and the reason for such change of name. Upon filing such petition on behalf of such corporation, the same proceedings shall be had as upon applications for changes of names of natural persons, and no banking corporation hereafter organized shall adopt or use the name of any other banking corporation or association, or of any friendly association."

Signatures.

Proceedings.

Use of banking corporation name.

Amending clause.

Section 22. Section 94-35-106, R.C.M. 1947, is amended to read as follows:

"94-35-106. **Intoxicating liquors — penalty for giving or selling to any person under the age of nineteen (19) years.** Any person who shall sell, give away or dispose of intoxicating liquor to any persons under the age of *nineteen (19)* years, shall for the first offense be subject to punishment not exceeding five hundred dollars ($500) fine or by imprisonment not to exceed six (6) months in the county jail, or both such fine and imprisonment, and upon conviction for the second and subsequent offenses he shall be subject to punishment by fine of not less than five hundred dollars ($500) nor more than two thousand dollars ($2,000) or by imprisonment in the state penitentiary for not less than one (1) year nor more than five (5) years, or by both such fine and imprisonment. Nothing herein contained shall prevent the furnishing of intoxicating liquor to a person under *nineteen (19)* years of age upon any physician's prescription where authorized by the laws of this state or the United States, nor the furnishing of wine for sacramental purposes."

Penalties for selling liquor to persons under 19.

Exception—physician's prescription.

Amending clause.

Section 23. Section 94-35-106.2, R.C.M. 1947, is amended to read as follows:

"94-35-106.2. **Possession of beer or liquor by minor — misdemeanor.** Any person who shall not have reached the age of *nineteen (19)* years and who shall have in his or her possession beer or liquor, shall be guilty of a misdemeanor."

Possession of liquor by person under 19—misdemeanor.

Approved March 9, 1971

CHAPTER NO. 241

An Act to Amend Sections 66-1501, 66-1502, 66-1504, 66-1506, 66-1507, 66-1508, 66-1509 and 66-1521, R.C.M. 1947, (Montana Pharmacy Law) by Substituting the Word 'Intern' for 'Assistant Pharmacist'; and to Amend Sections 66-1504 and 66-1506, Providing for the Regulation of Interns in Accordance with National Standards, and to Amend Section 66-1506 to Increase the Registration Fee for Examination, and to Amend Section 66-1507 to Increase the Renewal of Registration Fee, to Provide a Penalty for Late Renewal, and to Reduce the Reinstatement Period.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 66-1501, R.C.M. 1947, is hereby amended to read as follows:

Amending clause.

"66-1501. **Sale of drugs, medicines, etc., unlawful except as provided herein.** (a) It shall be unlawful for any person to compound, dispense, vend or sell at retail, drugs, medicines, chemicals or poisons in any place other than a pharmacy, except as hereinafter provided.

Unlawful sale of drugs, medicines, chemicals, poisons.

(b) It shall be unlawful for any proprietor, owner or manager of a pharmacy, or any other person to permit the compounding or dispensing of prescriptions or the vending or selling at retail of drugs, medicines, chemicals, or poisons in any pharmacy except by a registered and licensed pharmacist or by an *intern* in the temporary absence of such pharmacist.

Sale except by registered and licensed pharmacist or intern.

(c) It shall be unlawful for any person falsely to assume or pretend to the title of pharmacist or *intern*, unless such person has a license as such issued and in force pursuant to the terms of this act.

License required.

(d) It shall be unlawful for any person other than a licensed and registered pharmacist, *or a* licensed and registered *intern* to compound, dispense, vend or sell at retail, drugs, medicines, chemicals or poisons, except as in this act provided.

Sale without license unlawful.

Section 2. Section 66-1502, R.C.M. 1947, is hereby amended to read as follows:

Amending clause.

"66-1502. **Terms defined as used in this act.** (a) the term "pharmacy" shall mean a drug store or other es-

Definitions.

"Pharmacy."